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8400

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NICOLE BANKS

Plaintiff,

v.

US AIRWAYS, INC.,

Defendant.

14 3909

Civil Action No. _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441(a) and 1446, Defendant US Airways, Inc. ("US Airways") hereby removes this action from the First Judicial District of Pennsylvania Court of Common Pleas for the City and County of Philadelphia to the United States District Court for the Eastern District of Pennsylvania. The grounds for removal are as follows:

1. Plaintiff Nicole Banks filed and served this civil action in the First Judicial District of Pennsylvania Court of Common Pleas for the City and County of Philadelphia on June 6, 2014. The action was assigned Case No. 140404218. Copies of all process, pleadings, and orders served upon US Airways in the state court proceeding are attached hereto as Exhibit "A."

2. This Notice of Removal is timely filed within thirty days after US Airways received the initial pleading setting forth the claim for relief upon which the state court action is based.

3. In Count I of the Complaint, Plaintiff purports to allege federal civil claims under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* In Count III,

Plaintiff purports to allege federal civil claims under 42 U.S.C. § 1981, and in Count IV, Plaintiff purports to allege federal civil claims under the Americans With Disabilities Act. Accordingly, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question) and the entire action is subject to removal to this Court by Defendant pursuant to 28 U.S.C. § 1441(a).

4. Pursuant to 28 U.S.C. § 1446(d), a copy of the original Notice of Removal will be filed with the First Judicial District of Pennsylvania Court of Common Pleas for the City and County of Philadelphia. A true and correct copy of the Notice of Removal, to be filed in the First Judicial District of Pennsylvania Court of Common Pleas for the City and County of Philadelphia, is attached hereto as Exhibit "B."

WHEREFORE, Defendant US Airways, Inc. prays that this Notice of Removal be accepted as sufficient for removal of this action to this Court.

DATED: June 26, 2014

GOLD & FERRANTE, P.C.


/s/ ALAN S. GOLD

Alan S. Gold (Pa. ID 23400)
261 Old York Road, Suite 526
Jenkintown, PA 19046
Tel. (215) 885-1118
Fax (215) 885-5283
asg@goldferrantelaw.com

THE FARRINGTON LAW FIRM, LLC

Daniel E. Farrington¹
The Farrington Law Firm, LLC
4550 Montgomery Avenue
Suite 775 North
Bethesda, MD 20814
Tel. (301) 951-1538
Fax (301) 951-1544
dfarrington@farringtonlaw.com

¹ An application for Mr. Farrington to appear *pro hac vice* in this matter shall be submitted to the Court.

CERTIFICATE OF SERVICE

I hereby certify that I have sent a true and correct copy of US Airways, Inc.'s Notice of Removal via U.S. First Class Regular Mail upon the following individual:

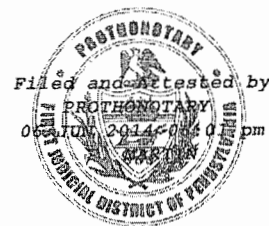
Nicole Banks c/o
Brian R. Mildenberg, Esquire
Mildenberg Law Firm, PC
1735 Market Street
Suite 3750
Philadelphia, PA 19103


/S/ ALAN S. GOLD
ALAN S. GOLD

DATE: June 25, 2014

MILDENBERG LAW FIRM, P.C.
By: Brian R. Mildenberg, Esquire
I.D. No. 84861
1735 Market Street, Suite 3750
Philadelphia, PA 19103
(215) 545-4870

Counsel for Plaintiff



NICOLE BANKS
1431 W. Wyoming Avenue
Philadelphia, PA 19140

Plaintiff,

v.

US AIRWAYS, INC.
111 W. Rio Salado Parkway
Tempe, AZ 95281,

Defendant.

Case No. 140404218

JURY TRIAL DEMANDED

COMPLAINT AND NOTICE TO DEFEND

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Philadelphia Bar Association
Lawyer Referral
and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo ai partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Asociacion De Licenciados
De Filadelfia
Servicio De Referencia E
Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

MILDENBERG LAW FIRM, P.C.
By: Brian R. Mildenberg, Esquire
I.D. No. 84861
1735 Market Street, Suite 3750
Philadelphia, PA 19103
(215) 545-4870

Counsel for Plaintiff

NICOLE BANKS
1431 W. Wyoming Avenue
Philadelphia, PA 19140

Plaintiff,

v.

US AIRWAYS, INC.
111 W. Rio Salado Parkway
Tempe, AZ 95281,

Defendant.

Case No. 140404218

JURY TRIAL DEMANDED

COMPLAINT-CIVIL ACTION

COMES NOW Plaintiff, by and through undersigned counsel, complaining of Defendant, and respectfully avers as follows:

1. Plaintiff is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at the address indicated on the caption of this action.
2. Defendant is a corporation duly organized and existing, and authorized to conduct business in the Commonwealth of Pennsylvania, with an address and corporate headquarters as indicated on the caption of this action.
3. At all times relevant hereto, Defendant acted by and through its agents, servants, representatives and employees, acting pursuant to their employment or agency, at the direction of and on behalf of Defendant.
4. Jurisdiction and venue are proper in Philadelphia County because the actions that give rise to the cause of action occurred in Philadelphia County.

5. At all times relevant hereto, Plaintiff was employed by Defendant as a Customer Service Supervisor at the Philadelphia International Airport operations of Defendant, US Airways.
6. At all times relevant hereto, Plaintiff performed her duties of employment in a satisfactory or better manner.
7. Plaintiff is an African American female.
8. Plaintiff began employment with Defendant in 2006.
9. During the times related to her employment, Defendant has subjected Plaintiff to a racially hostile workplace, including but not limited to:
 - a. Throughout her employment, using racially offensive terminology to describe Plaintiff and her workplace;
 - b. Telling Plaintiff she “smells like a black woman”;
 - c. Intentionally Assigning African American employees to worse shifts and harder assignments, and subjecting them, including Plaintiff to disparate disciplinary practices;
 - d. Using racially offensive terms to describe parts of the airport where African Americans were assigned to work, such as, “the Ghetto,” and “Comton”;
 - e. Allowing managers to use the “N-word” at the workplace.
10. At all times relevant hereto, Plaintiff complained about the discrimination.
11. In 2010, Plaintiff made a claim against Defendant regarding the racial discrimination, which was resolved between Plaintiff and Defendant in 2011.
12. Since the resolution of her prior complaint against Defendant, Defendant ha continued to discriminate and retaliate against Plaintiff.

13. In retaliation for her complaints of discrimination, Plaintiff was subjected to false discipline and denial of reasonable accommodation.
14. During the times of her employment with Defendant, Plaintiff has applied for promotional positions with Defendant, including at least four applications since 2012.
15. Plaintiff was denied promotions and persons who were not African American were picked for the position each time Plaintiff applied.
16. Upon information and belief, Plaintiff was more qualified and experienced than the chosen applicants.
17. At all times relevant hereto, Plaintiff protested what she perceived to be discrimination against her by, inter alia, filing complaints with her superiors and managers, and her employer's human relations department.
18. Subsequent to the pursuit by Plaintiff of her complaints, Plaintiff was subjected to retaliatory harassment, which included inappropriate disciplinary actions against Plaintiff, to punish Plaintiff for her complaints.
19. Plaintiff filed a Charge of Discrimination with the EEOC concerning the discrimination she experienced, Charge # 530-2013-02657, which was cross filed with the Pennsylvania Human Relations Commission. The contents of the Charge of Discrimination are a document of a government agency and are incorporated herein by reference.
20. Plaintiff was issued a right to sue letter from the EEOC, and the instant action was filed within 90 days of Plaintiff's receipt of the right to sue letter.
21. The EEOC cross-filed Plaintiff's Charge of Discrimination with the Pennsylvania Human Relations Commission.

22. All administrative prerequisites to the filing of this action have been met, and Plaintiff is now entitled to file suit with respect to her Charge of Discrimination.

COUNT I

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED

RACIAL DISCRIMINATION/RETALIATION

Plaintiff v. Defendant

23. The foregoing paragraphs are incorporated herein by reference.
24. As a result of Defendant's discriminatory practices, Plaintiff was discriminated against on the basis of her race, subjected to retaliation for her complaints, and denied promotional opportunities and associated increased salary and benefits. Plaintiff also suffered harm from the discrimination in the form of lost wages and benefits, humiliation, mental anguish, emotional distress and associated symptoms, extreme stress, and other injuries.
25. Plaintiff is entitled to an award of compensatory and punitive damages, counsel fees and costs of suit.

COUNT II

PENNSYLVANIA HUMAN RELATIONS ACT

RACIAL DISCRIMINATION/RETALIATION

Plaintiff v. Defendant

26. The foregoing paragraphs are incorporated herein by reference.
27. Plaintiff is entitled to an award of compensatory and punitive damages, counsel fees and costs of suit, pursuant to the Pennsylvania Human Relations Act.

COUNT III

42 USC SEC. 1981

RACIAL DISCRIMINATION/RETALIATION

Plaintiff v. Defendant

- 28. The foregoing paragraphs are incorporated herein by reference.
- 29. The foregoing actions of Defendant violated Plaintiff's rights to be free from racial discrimination in the making and enforcement of contracts, including her contract of employment, and enjoyment of all benefits and privileges thereof, as provided by 42 USC Sec. 1981.
- 30. The conduct of Defendant also constituted retaliation in violation of Section 1981.
- 31. Plaintiff is entitled to an award of compensatory and punitive damages, counsel fees and costs of suit.

COUNT IV

AMERICANS WITH DISABILITIES ACT

DISABILITY DISCRIMINATION

Plaintiff v. Defendant

- 32. The foregoing paragraphs are incorporated herein by reference.
- 33. Plaintiff is a qualified person with a disability, which is chronic pain, breathing issues, high blood pressure, back and shoulder pain, and associated physical/medical conditions, including those as a result of work related injuries.
- 34. Plaintiff requested a reasonable accommodation of her work schedule to accommodate her disability.
- 35. Defendant denied the reasonable accommodation.
- 36. Plaintiff is entitled to an award of compensatory and punitive damages, counsel fees and costs of suit, pursuant to the Americans with Disabilities Act.

COUNT V

PENNSYLVANIA HUMAN RELATIONS ACT

DISABILITY DISCRIMINATION

Plaintiff v. Defendant

37. The foregoing paragraphs are incorporated herein by reference.
38. Plaintiff is entitled to an award of compensatory and punitive damages, counsel fees and costs of suit, pursuant to the Pennsylvania Human Relations Act.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in her favor, and against Defendant, and Order the following relief:

- A. An order enjoining Defendants from unlawfully discriminating against Plaintiff
- B. An order granting Plaintiff the promotions for which she applied;
- C. An award of compensatory and punitive damages in an amount to be determined at trial;
- D. Reinstatement of Plaintiff's employment, and provision of reasonable accommodation;
- E. An award of Plaintiff's counsel fees and costs of suit; and
- F. Such additional or further relief as required by the interests of justice.

Respectfully submitted,

MILDENBERG LAW FIRM, P.C.

Dated: June 6, 2014

BY: /s/ Brian R. Mildenberg, Esquire
Brian R. Mildenberg, Esquire
I.D. No. 84861
1735 Market Street, Suite 3750
Philadelphia, PA 19103
(215) 545-4870
Counsel for Plaintiff

MILDENBERG LAW FIRM, P.C.
1735 MARKET STREET, STE. 3750 PHILADELPHIA, PENNSYLVANIA 19103
(215) 545-4870 | WWW.MILANDSTAL.COM

Case ID: 140404218

CERTIFICATE OF SERVICE

I, Brian R. Mildenberg, Counsel for Plaintiff, certify that caused to be served a true and correct copy of the foregoing Complaint and Notice to Defend upon counsel for Defendant via the Court's Electronic Filing System.

Respectfully submitted,

MILDENBERG LAW FIRM, P.C.

Dated: June 6, 2014

/s/ Brian R. Mildenberg, Esquire
BY: Brian R. Mildenberg, Esquire
I.D. No. 84861
1735 Market Street, Suite 3750
Philadelphia, PA 19103
(215) 545-4870
Counsel for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Nicole Banks

DEFENDANTS

US Airways, Inc.

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Brian R. Mildenberg, Mildenberg Law Firm PC
1735 Market Street, St. 3750, Phila, Pa 19103
(215)545-4870

Attorneys (If Known)

Alan S. Gold, Gold & Ferrante, PC
261 Old York Road, Suite 526
Jenkintown, PA 19046 (215)885-1118

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify) _____
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC Section 2000e; 28 USC Section 1441

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

06/25/2014

SIGNATURE OF ATTORNEY OF RECORD

/s/ ALAN S. GOLD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JUN 25 2014

WY**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA****14****3909****CASE MANAGEMENT TRACK DESIGNATION FORM**

NICOLE BANKS

v.

US AIRWAYS, INC.

CIVIL ACTION

14**0000**

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

6/25/14

Alan S. Gold

US Airways, Inc.

Date**Attorney-at-law****Attorney for**

215-885-1118

215-885-5283

asg@goldferrantelaw.com

Telephone**FAX Number****E-Mail Address**

(Civ. 660) 10/02

JUN 25 2014

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1431 W. Wyoming Avenue, Philadelphia, Pa 19140

Address of Defendant: 111 W. Rio Salado Parkway, Tempe, Arizona

14 3909

Place of Accident, Incident or Transaction: (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☒

No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐

No ☒

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) _____
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 6/25/2014

Attorney-at-Law

JUN 25 2014

PA ID 23400

Attorney I.D.#